

## Minimum Required Elements for Operations and Maintenance Agreements for Development Projects

Applicants that plan to enter into an agreement with a third party to operate and maintain an Urban Greening Grant Program project must execute a signed Operations and Maintenance Agreement with the third party that meets specific requirements of the Urban Greening Grant Program.

Specifically, all Operations and Maintenance Agreements must contain the following **four** elements:

1. The duration of all Operations and Maintenance Agreements must meet the minimum requirement of 10 to 25 years, depending on the grant amount requested by the applicant. Specifically, Agreements must meet the following minimum time frames:
  - At least 10 years for Grants up to \$100,000
  - At least 20 years for Grants ranging from \$100,001 up to \$1 million
  - At least 25 years for Grants over \$1 million
2. The Agreement must clearly spell out the roles of each party in detail,
3. The Agreement must be signed by both parties signifying their acceptance of the Agreement, and
4. The Agreement must include language that the Grantee would resume responsibility for the ongoing operations and maintenance in the event the Agreement is cancelled by either party.

Please see the attached sample Memorandum of Agreement written for a grant award over \$1 million. Examples of the four required elements within the sample agreement are identified in bold italicized font.

***Please note that the sample Memorandum of Agreement illustrates the minimum requirements for the California Urban Greening Grant Program. Applicants may satisfy the four required elements for Operations and Maintenance through various agreements, including Joint Powers Authority, right of entry permits, joint use agreements, easements or other types of agreements.***

## SAMPLE MEMORANDUM OF AGREEMENT

**This agreement regarding the responsibilities for the Penny River Trail and Habitat Restoration Project funded by the “California Urban Greening Grant Program” is entered into on October 15, 2010 by the Happy Trails Non Profit and the City of Dana, CA.**

### **Introduction**

- A. A grant application has been submitted to, and a grant awarded by, the State of California Resources Agency, California Urban Greening Grant Program (see grant agreement and application) to the Happy Trails Non Profit.
- B. The grant funded project will construct and improve recreational trails and carry out invasive weed eradication and re-vegetation.
- C. The project will be located on City of Dana property and/or County of Nature property upon which the City holds easements for passive recreation and habitat purposes.

### **The City of Dana stipulates and/or agrees to the following: (*element #2*)**

- A. The City of Dana owns all properties or has easements through properties where grant activities will occur, with no grant funds to be used to buy or encumber property.
- B. The City of Dana will implement the trail construction project, including the following activities: completing all necessary environmental review, managing construction activities, and reporting activities to Happy Trails. The trail project will not exceed costs or timelines established in the grant agreement between Happy Trails and the Resources Agency.
- C. The City of Dana will maintain the trail system and all installed amenities for a minimum of 25 years from the start date of this agreement. (*element #1*)

### **Happy Trails Non Profit agrees to the following: (*element #2*)**

- A. Manage the grant and take overall responsibility for the execution of the project in a timely and effective manner.
- B. Complete all aspects of the invasive weed eradication and re-vegetation project, which will occur on property owned by the City of Dana.
- C. Happy Trails will resume responsibility for the ongoing maintenance and operations of the project for the required 25 years if the City of Dana were to cease to exist as a governmental entity. (*element #4*)

### **Agreement length:**

- A. This agreement, in accordance with the criteria established by the California Urban Greening Grant Program, is to be in effect for a minimum of 25 years. (*element #1*)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first written above: (*element #3*)

City of Dana, a municipal corporation

By: \_\_\_\_\_  
(Name, Title)

HAPPY TRAILS, a California public benefit, nonprofit corporation

By: \_\_\_\_\_  
(Name, Title)